

Docket No.: 060188-0664



PATENT

*DTW*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277  
Makoto TSUTSUE, et al. : Confirmation Number: 1409  
Application No.: 10/674,068 : Group Art Unit: 2814  
Filed: September 30, 2003 : Examiner: Long PHAM

For: SEMICONDUCTOR DEVICE AND METHOD FOR FABRICATING THE SAME

**SECOND PRELIMINARY AMENDMENT AND  
RESPONSE TO ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed March 22, 2005, having a shortened statutory period for response set to expire April 22, 2005, Applicants submit the following Preliminary Amendment and respond to the restriction requirement as follows:

**RESPONSE TO RESTRICTION REQUIREMENT**

Noting the Office Action of March 22, 2005 wherein restriction has been required, Applicants hereby elect Species II, detailed by Figures 3 and 4A-4D, with claims 20-27 readable thereon, for prosecution in the above-identified application.